

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Brandon C. Patterson,

Case No. 3:21 CV 777

Plaintiff,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

Warden Lashann Eppinger,

JUDGE JACK ZOUHARY

Defendant.

Petitioner Brandon Patterson seeks a Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. 1). On July 18, 2023, Magistrate Judge James Grimes issued a Report and Recommendation (“R&R”) recommending this Court dismiss the Petition (Doc. 17 at 42).

Although this Court reviews *de novo* any portions of an R&R to which a party timely objects under 28 U.S.C. § 636(b)(1), failure to timely object waives district and appellate court review of the R&R. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981). The R&R notified Patterson that failure to object would result in waiver (Doc. 17 at 42). *See Walters*, 638 F.2d at 950. Patterson has not objected, and the deadline has passed. This Court therefore adopts the R&R (Doc. 17) in its entirety.

The Petition (Doc. 1) is dismissed. There is no basis upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2). Further, an appeal from this Order could not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

August 18, 2023